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Mobilizing collective action: the next decade of the responsibility to protect

Report of the Secretary-General

I. Introduction

1. In 2005, when Heads of State and Government articulated the principle of the responsibility to protect in paragraphs 138 and 139 of the World Summit Outcome (see General Assembly resolution 60/1), they were signalling an intention to strengthen their capacity and will to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. Given the failures of collective action represented by the genocides in Rwanda and Srebrenica, they aspired to close the gap between the existing legal obligations of States, which are clearly laid out in international humanitarian, refugee and human rights law, and the reality of populations threatened with large-scale and systematic violence.

2. I was inspired by the above-mentioned political commitment. That is why, before becoming Secretary-General, I pledged that if and when I was elected I would do my best to operationalize the responsibility to protect and translate the principle "from words into deeds". This pledge also reflected my belief that the protection of populations from atrocity crimes[1] is grounded firmly in the founding

* Reissued for technical reasons on 17 August 2016.

[1] In the present report, the term "atrocity crimes" will be used to refer to the four acts specified in paragraph 138 of the 2005 World Summit Outcome. Genocide, war crimes and crimes against humanity are defined in international criminal law. Ethnic cleansing, while not established as a distinct crime, includes acts that can amount to one of the crimes, in particular genocide and crimes against humanity.

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principles of the Charter of the United Nations. The security of "We the peoples" matters every bit as much as the security of States.

3. As I near the end of my term as Secretary-General, I see clearly how much has been accomplished in building a consensus around the responsibility to protect and strengthen the will and capacity for its implementation. The imperative to protect populations from atrocity crimes has become a key part of the daily work of intergovernmental bodies, both within and beyond the United Nations. New structures and mechanisms have been created at the national, regional and international levels to support the fulfilment of our collective responsibility to protect.

4. Despite this progress, the international community has fallen woefully short of its aspiration to prevent and respond to atrocity crimes. As noted in my report for the World Humanitarian Summit, brutal and intractable conflicts are devastating the lives of millions of people in almost every region, threatening the futures of entire generations.[2] Today we face a more challenging context, in which some States and non-State actors routinely threaten populations and make calculated decisions to disregard their legal obligations and protection responsibilities. Some of these situations, such as in Iraq and the Syrian Arab Republic, have been the focus of sustained international attention, while others, such as the Democratic People's Republic of Korea, Eritrea and South Kordofan in the Sudan, have been kept from our view. At a moment when so many of the international norms and standards related to protection are being flouted, it is crucial that Member States remain true to the commitments they made in 2005.

5. In the present report, my last to the General Assembly on the responsibility to protect, I will build on the recommendations offered in my 2015 assessment of progress made on implementation.[3] In particular, I will focus on the obstacles to mobilizing collective action to prevent and respond to genocide, war crimes, ethnic cleansing and crimes against humanity, and suggest how such barriers might be overcome. In so doing, this report could contribute to an agenda for the next Secretary-General to accelerate implementation of the responsibility to protect. It will also underscore what is at stake if we fail to address the mismatch between our promises and our record of action: prolonged crises, continued loss of life and mass displacement, more regional instability, a weakening of sovereign authority in areas threatened by non-State armed groups, and erosion of the credibility of institutions such as the United Nations and regional organizations.

6. Although the challenges associated with protecting populations from atrocity crimes are great, so too is the potential power of concerted and principled international action. It is now up to States Members of the United Nations, in cooperation with other international actors, to take the principled and practical steps necessary to arrest the erosion of respect for norms of protection and put an end to serious violations of international humanitarian, human rights and refugee law.

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[2] One humanity: shared responsibility — report of the Secretary-General for the World Humanitarian Summit (A/70/709), para. 3.

[3] Report of the Secretary-General on a vital and enduring commitment: implementing the responsibility to protect (A/69/981-S/2015/500).

II. A more challenging context

7. In crafting an agenda for the next decade of the responsibility to protect, we should pause to recall what we have achieved. It is simply harder today for Member States to claim that atrocity crimes are not a matter of international concern. The protection of populations from atrocity crimes has become more central to the work of the Security Council than it was in 2005, informing more than 40 resolutions of the Council and being incorporated directly into the mandates of most United Nations peace operations, which call for the protection of civilians. It has also become more prominent in the deliberations and recommendations of the Human Rights Council, inspiring 10 resolutions and guiding the work of commissions of inquiry. More generally, the United Nations and other international and regional organizations have contributed to reducing the global scourge of atrocity crimes through the development of new peacekeeping doctrine and training and the strengthening of civilian capacities in a host of areas, including preventive diplomacy and mediation, policing and the rule of law, human rights protection, peacebuilding and women's empowerment.

8. Over the past few years, however, we have drifted off-track, threatening to reverse years of progress. The frequency and scale of atrocity crimes have increased and will likely continue to do so unless the international community takes more determined and consistent action to fulfil its responsibility to protect. Research demonstrates that in 2014 the number of deaths caused by armed conflict and atrocity crimes exceeded 100,000 — its highest level since 1994 — driven in large measure by the increased targeting of civilians.[4] Over the past two years, civilian populations in the Central African Republic, Iraq, South Sudan, the Sudan, the Syrian Arab Republic and Yemen have been subjected to systematic violence that could constitute atrocity crimes. In the Syrian Arab Republic alone, more than a quarter of a million people have been killed and more than 11 million displaced by a civil war in which government forces and non-State armed groups have paid scant regard to their legal obligations towards civilians. Sexual and gender-based violence, which can constitute acts of genocide, war crimes or crimes against humanity, also continues to be prevalent.[5]

9. This troubling landscape is further darkened by the emergence of violent extremists who brazenly flout international humanitarian law and glorify their crimes. As I observed in my report last year (A/69/981-S/2015/500, para. 46), non-State armed groups such as the so-called Islamic State in Iraq and the Levant (ISIL), Boko Haram and Al-Shabaab represent a powerful threat to established international norms related to the protection of populations from atrocity crimes and take advantage of situations of instability to consolidate their influence. In Libya, for example, a combination of weak and fragmented government, the proliferation of armed groups and the rise of violent extremism compound the challenges confronting the civilian population.

10. The high incidence of atrocity crimes has contributed significantly to the global crisis of forced displacement. Today there are some 21.3 million refugees and more than 40.8 million internally displaced persons — the highest levels at any

[4] Erik Melander, "Organized Violence in the World 2015: an assessment by the Uppsala Conflict Data Program", Uppsala, 2015; available from www.pcr.uu.se/data/overview_ucdp_data/.

[5] See the report of the Secretary-General on conflict-related sexual violence (S/2015/203).

point in the history of the United Nations. A majority of the world's displaced persons come from countries that have experienced violence that could constitute atrocity crimes, including the Central African Republic, the Democratic Republic of the Congo, Eritrea, Iraq, Nigeria, Somalia, South Sudan, the Sudan, the Syrian Arab Republic and Yemen. These alarming trends also reflect the increasing use of forced displacement as a method of war and the international community's inability to find long-term resettlement options for displaced populations. The principle that sovereignty entails responsibility — a cornerstone of the responsibility to protect — was articulated in the early 1990s as a way of addressing the crisis of forced displacement. We must therefore redouble our commitment to the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2) as well as to the obligations set out in the 1951 Convention relating to the Status of Refugees.

11. There are many reasons for the recent upsurge in atrocity crimes. One contributing factor is the protracted nature of many contemporary armed conflicts, which subjects civilians to ongoing threat and insecurity. Armed conflict remains one of the main risk factors for the commission of atrocity crimes, creating both a motive and enabling environment to engage in mass violence.

12. In some cases, populations are threatened principally by their own governments. United Nations commissions of inquiry have determined that the Governments of the Democratic People's Republic of Korea, Eritrea and the Syrian Arab Republic have perpetrated crimes against humanity against their own populations.[6] In other instances, such as South Sudan — where State institutions and the rule of law are weak — factions struggling for power have committed acts that may amount to atrocity crimes while seeking to advance their interests. In the Central African Republic, sectarian politics pitted one community against another and facilitated widespread and systematic violence against civilians. The rise of violent extremism in places such as Iraq, Nigeria, Somalia, the Syrian Arab Republic and Yemen has seen ideologues exploit ethnic and religious divisions for their own ends and disseminate doctrines that reject fundamental principles of common humanity.

13. Increasingly, new technologies are being utilized to support the perpetration of atrocity crimes. Violent extremists exploit social media to incite hatred and recruit followers from every corner of the world, increasing their capacity to seize territory and spread violence and terror. Additionally, new communications technologies allow groups to plan, finance and coordinate the perpetration of atrocity crimes across national borders. As a result, small and disparate groups of like-minded extremists have the capacity to inflict significant harm on civilian populations. Their ability to innovate new means of perpetrating atrocity crimes has thus far outpaced the international community's efforts to counter them.

14. All of these factors that facilitate atrocity crimes converge against a backdrop of retreating internationalism, diminishing respect of international humanitarian law and a growing defeatism about promoting ambitious agendas like protection. This contraction is a function of various trends, including the 2008 financial crisis and subsequent shrinking of budgets for peace and development, the pull of populist

[6] Report of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea (A/HRC/25/63), 7 February 2014; report of the Independent International Commission of Inquiry on the Syrian Arab Republic (A/HRC/31/68), 11 February 2016; and report of the Commission of Inquiry on Human Rights in Eritrea (A/HRC/32/47), 9 May 2016.

political agendas calling for a focus on domestic priorities, and disenchantment with past efforts to bring stability and protection, the results of which appear uneven. The consequence is inadequate political or financial support for tools with the greatest potential for averting atrocity crimes or rebuilding after such crimes, including preventive diplomacy, special political missions and peacekeeping missions, human rights field presences, and peacebuilding programmes. In each of these areas, the United Nations continues to be challenged by limited resources under the regular budget. This creates a reliance on voluntary contributions, which inhibits multi-year planning and limits the capacity of these tools to fully deliver results.

15. Political divisions, particularly within the Security Council, are exacerbating the move away from decisive action — whether for prevention or for response. In some contexts where atrocity crimes have been committed, or are at risk, major global Powers support opposing factions and put these allegiances ahead of their protection responsibilities. The founders of the United Nations recognized the importance of harnessing the power of key States to an effective collective security system, but they also expected members of the Security Council to use their power responsibly and in the interests of greater security for all. Today, however, Security Council deliberations frequently fail to generate common solutions and at times serve to deepen discord among Member States. The Security Council may "remain seized" of a matter, but this is of little relevance to suffering populations unless concrete steps forward are taken.

16. Security Council disunity is particularly damaging in the early stages of a crisis, when space for dialogue is wider and when strong and united messages from the international community have greater potential to dissuade local actors from following a deadly path. In other instances, vetoes by permanent members, whether used or threatened, preclude the identification and pursuit of a common purpose. The pattern of violence during the Syrian crisis tragically illustrates the impact of this deadlock on the behaviour of the warring parties, who can feel emboldened by the lack of strong international engagement. Fighting in the Syrian Arab Republic escalated and conflict-related deaths increased dramatically following the failure of the Security Council to adopt a resolution in February 2012, particularly as a result of the intensified aerial bombardment of populated areas by government forces.

17. Political divisions, however, extend beyond the Security Council. Member States in conflict-affected regions have also placed narrow interests ahead of their responsibility to protect populations from atrocity crimes, lending support to conflict parties when what is required is a collective search for peaceful resolution of disputes. The acute crises we confront today cannot be solved by United Nations entities alone or by a small segment of the States Members of the Organization. All States must fulfil the responsibilities to which they have committed. The evidence before us — including civilian suffering and mass displacement — vividly illustrates the human costs of inaction in the face of atrocity crimes. Will we mobilize the collective will to protect our shared humanity, or will we allow discord, paralysis and narrow self-interest to prevail?

III. Delivering on our political commitment

18. There is no question that Member States recognize their responsibility to protect and the expectations associated with it. The concept was established

unanimously by the General Assembly in 2005, and four years later the Assembly resolved to continue consideration of the matter. During informal and interactive dialogues, Member States have repeatedly affirmed their primary responsibility to protect their own populations from genocide, war crimes, ethnic cleansing and crimes against humanity and expressed their support for the three-pillar implementation strategy I outlined in 2009 in my report on implementing the responsibility to protect (A/63/677). The views of Member States converge on many important elements, including that prevention is at the core of the responsibility to protect, that efforts to assist States to fulfil their protection responsibilities should respect the principle of national ownership, that any international action should employ the full range of diplomatic, political and humanitarian measures and that military force should be considered as a measure of last resort. Security Council resolutions,[7] an Arria Formula meeting of the Security Council on the responsibility to protect and General Assembly dialogues have also recalled the important role played by my Special Advisers on the Prevention of Genocide and on the Responsibility to Protect, and Member States have expressed support for their ongoing work.

A. From concept to action

19. While the World Summit Outcome laid the groundwork for more effective efforts to prevent and respond to genocide, war crimes, ethnic cleansing and crimes against humanity, it also generated important questions and concerns about operationalizing the responsibility to protect. The points of contention have substantially diminished, but they have not disappeared entirely. The responsibility to protect remains a relatively new principle, and — as is the case with other normative agendas — gives rise to differences in emphasis and interpretation. Consultations with Member States over the past few years make clear that there are two areas in particular that are likely to be the subject of continued discussion and debate in the years ahead.

20. The first is the relationship among the three pillars of the framework for implementation. Some Member States query whether the pillars are meant to operate sequentially — whether, for example, the primary responsibility of the State to protect its populations must be fully exhausted before the international community can offer its assistance. My view has always been that paragraphs 138 and 139 of the World Summit Outcome indicate that the three pillars are mutually supporting, and the responsibilities associated with each pillar will often be exercised simultaneously. For example, while a government may be doing all it can to protect its populations from atrocity crimes, it may request targeted assistance for particular policies, under the framework of pillar two, to strengthen its capacity. But the State's primary responsibility to protect never disappears.

21. Nevertheless, while the pillars themselves are not designed to operate in a sequence, the use of particular preventive and responsive tools can and frequently should follow a sequential logic. For example, Member States prefer a graduated approach to the provision of international assistance that begins with the

[7] Security Council resolution 2195 (2014) on threats to international peace and security and Council resolution 2171 (2014) on the maintenance of international peace and security — conflict prevention.

dissemination of knowledge and tools for assessing risk, and then moves on to more targeted forms of capacity-building, if required and requested. With respect to pillar three, a consensus has been reached that the international community should always seek to work through peaceful means, in partnership with national authorities, and that military force should be a measure of last resort.

22. The second issue on which Member States seek further clarification relates to the bases for undertaking collective action in response to situations where States are manifestly failing to protect populations and, more specifically, for considering the use of military force as an appropriate response. In short, who decides and on what grounds? The agreement reached in paragraph 139 of the World Summit Outcome specifies that the international community should act "through the United Nations" to help protect populations from atrocity crimes. It also declares that timely and decisive collective action, "including Chapter VII", should be taken "through the Security Council" "should peaceful means be inadequate". The consensus reached in 2005 thus clearly indicates that the existing collective security provisions of the United Nations Charter, in which the Security Council exercises specific powers and responsibilities, should govern any decision to use military means to protect populations from atrocity crimes.

23. Most Member States agree that an assessment of credible information, provided by independent and impartial actors or bodies, provides the best basis on which to take a decision regarding collective action to protect populations from atrocity crimes. Over the years, a variety of mechanisms or actors have provided that information, including commissions of inquiry and fact-finding missions, the United Nations High Commissioner for Human Rights, the special procedures mandate holders of the Human Rights Council, the human rights treaty bodies, and the Special Advisers, Envoys and Representatives of the Secretary-General. Whether there should be only one such source of information, or different sources depending on the context, is a matter for continued discussion and debate among Member States. There are also different views regarding the appropriateness and feasibility of establishing specific criteria for the Security Council to use in deciding whether to authorize the use of military means.

24. These outstanding conceptual questions should not be minimized and merit further consideration. Nor should they stand in the way of the imperative to move from refinement of the concept of the responsibility to protect to its implementation. No State has denied either its primary responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity or the need for international assistance for States under stress. Time and again, Member States have expressed their desire to build on the significant consensus that has been reached and to see the responsibility to protect have an impact where it matters most — on the lives of vulnerable populations.

B. Barriers to implementation

25. In spite of this call for implementation, some deeply worrying developments threaten to widen the gap between Member States' commitments and the reality confronted by vulnerable populations around the world. For too many, the 2005 pledge made by all Heads of State and Government rings hollow. Unless this gap is

addressed, people will lose faith in the institutions we represent and values we seek to uphold. I am particularly troubled by three trends.

26. First, we are witnessing an alarming disregard for fundamental tenets of international law. In many of the armed conflicts that have ignited in recent years, parties to the conflict are consciously violating international humanitarian law. From the deliberate targeting of civilians by non-State armed groups to the indiscriminate use of air power by States against civilian populated areas and the assaults on sites where civilians have sought refuge, the abrogation of international humanitarian law has become a regular feature of armed conflict. We are seeing widespread and flagrant attacks on protected civilian objects, such as hospitals and schools, as well as on protected persons, such as humanitarian and health-care workers. Journalists and human rights defenders also continue to be targeted in alarming numbers. The besieging of civilian communities in recent conflicts and denial of humanitarian relief are particularly troubling phenomena, causing unimaginable deprivation and suffering. In our modern age, civilians in conflict zones should not have to confront the threat of starvation, or die for want of basic medical assistance. It is a sobering fact that the majority of serious violations of international humanitarian and human rights law, which could amount to atrocity crimes, are still committed by the armed forces and auxiliary militia of Member States.

27. This failure to respect international law must urgently be addressed. I have observed in previous reports how many Member States have not yet acceded to core international treaties relevant to the protection of populations.[8] Furthermore, some States that have signed and ratified those treaties are not respecting their obligations. For example, several signatories to the Convention relating to the Status of Refugees have wound back the protection they provide to refugees and asylum seekers at precisely the moment when it is most needed. Likewise, Governments are failing to hold perpetrators of atrocity crimes accountable for their actions. At the international level, some States parties to the Rome Statute are not cooperating fully with the International Criminal Court, the Security Council is increasingly reluctant to refer situations to the Court, and some political leaders seek permanent immunity from legal accountability. These actions threaten the achievements made in the past and risk a regression to an era of violence without limits. The Syrian Arab Republic stands as one of the clearest examples of the lack of accountability for the perpetration of atrocity crimes. For this reason, I repeat my call to the Security Council to refer the situation in the Syrian Arab Republic to the International Criminal Court.

28. Second, although Member States have repeatedly emphasized their support for the prevention of atrocity crimes, this has not been sufficiently translated into concrete support for preventive strategies — even when there have been credible assessments of imminent threats to populations. The risk of atrocity crimes in the Syrian Arab Republic was evident in early 2011, yet the Security Council could not

[8] Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948; Protocol additional to the Geneva Conventions of 12 August 1949 and relating to the protection of victims of international armed conflicts (Protocol I), 8 June 1977; Protocol additional to the Geneva Conventions of 12 August 1949 and relating to the protection of victims of non-international armed conflicts (Protocol II), 8 June 1977; Convention relating to the Status of Refugees, 28 July 1951; Protocol relating to the Status of Refugees, 31 January 1967; and Rome Statute of the International Criminal Court (last amended 2010), 17 July 1998.

find sufficient will or consensus to address the negative spiral into systematic violence. In Yemen, warnings about the dangers confronting the civilian population have been voiced by officials of the United Nations at several stages, but have not been translated into decisive action to protect the vulnerable. At other times, early warnings have translated into preventive action but only very slowly, as was the case in the Central African Republic. In that situation, the coup of March 2013 sent strong signals of impending atrocity crimes, which were followed by credible reports of a potential genocide, but the Security Council did not take decisive action until April 2014, when it authorized the deployment of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA).

29. Thanks to the rapid development of early warning tools and systems by the United Nations, the African Union, the European Union and the Economic Community of West African States (ECOWAS), as well as by individual Member States, we now often know the risks in advance. Yet the international community still often fails to act until it sees casualties mounting. This has been the case with the ongoing situation in Burundi, which was identified by several early warning systems as a country of concern. In many cases, the failure to act early and decisively is driven by the lack of a preventive strategy with clear policy options and political solutions, tied to elevated risk. In other instances, Member States and international agencies supporting countries under stress are not sufficiently open to messages that might challenge their view that these societies are moving in the right direction. A strong culture of prevention entails listening to all of the facts, no matter how uncomfortable.

30. Third, external actors are enabling the perpetration of atrocity crimes. In a third of today's civil wars, third-party actors are supporting one or more of the parties to the conflict.[9] Some have gone so far as to use force in support of entities responsible for widespread and systematic violations that could constitute atrocity crimes. Others have supplied the weapons used to commit those crimes, turned a blind eye to their trade and transportation, or used their political influence to shield perpetrators. While it is important to acknowledge that States often face difficult choices in relation to foreign armed conflicts, the protection of populations from atrocity crimes is a fundamental responsibility that extends to relationships with friends and allies. Far too little, for example, has been done to ensure full respect for international humanitarian law in the ongoing conflict in Yemen, despite the ties that exist between the parties to the conflict and important regional and global Powers, some of which are States parties to the Arms Trade Treaty — an agreement that explicitly seeks to control arms flows to actors that may use them in ways that breach international humanitarian law.

IV. A vision for collective action

31. So often in my exchanges with Member States, I hear that the depth and breadth of today's protection challenges are overwhelming. With so many fires to fight, it is tempting to lower our ambition or to engage in triage based on whichever crises are dominating current media headlines. What is needed in this more

[9] One humanity: shared responsibility — report of the Secretary-General for the World Humanitarian Summit (A/70/709), para. 23.

demanding context, however, is both a renewed faith in collective action and an improved capacity to coordinate early responses. We can only achieve this through a more conscious and strategic use of all of the institutions, resources and human capacities that are available to the international community. We frequently operate with the belief that different agendas are incompatible or in competition with each other, limiting both our imagination and our capacity. The challenge for the coming decade is to recognize the interconnectedness of the problems we face, to see that organizational mandates can be mutually reinforcing, and to find solutions through leveraging the capacities most likely to deliver the desired effects.

32. To capture the essence of collective action, we need look no further than the Preamble to the Charter of the United Nations, which calls upon the peoples of the United Nations to unite their strength and combine their efforts for the achievement of the three pillars of peace and security, development and human rights. Collective action entails coordinated and sustained action towards a common objective, based on shared norms. In the case of the responsibility to protect, that objective is the protection of populations from atrocity crimes, wherever they reside, through effective prevention and response.

A. Effective and coordinated preventive strategies

33. Though national governments bear the primary responsibility to prevent genocide, war crimes, ethnic cleansing and crimes against humanity, it is a collective enterprise requiring partnerships at the local, national, regional and international levels. As we saw in Guinea in 2009-2010 and Kenya in 2013, sustained and coordinated preventive efforts, with modest investments of resources, can avert atrocity crimes and save lives. We need to reflect more deeply on these instances of success and make the lessons learned more visible and relevant for the wide array of actors with a role to play in prevention.

34. The reality for populations in many regions of the world, however, is calling into question the sincerity of Member States' commitment to the responsibility to protect. Rhetorical support for prevention alone will not protect populations from atrocity crimes. When we fail to prevent, and atrocity crimes are perpetrated, we are forced to rely on tools that are not only more politically and materially costly, but also already overstretched and underresourced, such as peacekeeping. With conflicts becoming more intractable and complex, we can no longer afford to continue abdicating our responsibility to firmly institutionalize prevention at the national, regional and international levels.

35. One of the most pressing needs is greater investment in the human and material resources dedicated to information gathering and analysis, and the generation of viable policy options. This entails increased training of officials at all levels — national, regional and international — on the elements of early warning and early action and efforts to build a supportive environment for their preventive work. In this regard, senior officials within governments and international organizations must stand ready to support colleagues who identify and speak out about signs of risk.

36. There is an additional political dimension to taking the prevention of atrocity crimes seriously. Leaders from government, civil society and the private sector must work together to foster clearer public understanding of how preventing atrocity

crimes advances a country's national interests and national priorities. To build a culture of prevention, we must all articulate its benefits.

37. To assist in the above-mentioned efforts, I have at the end of my term as Secretary-General given priority to identifying gaps and developing strategies to strengthen the preventive capacities of the United Nations, including through the Human Rights up Front Action Plan, at the World Humanitarian Summit, and by mainstreaming the responsibility to protect. In the process of doing so, I have identified three core challenges.

38. First, the Security Council's practices should change to emphasize prevention and early action. The Council is empowered under Article 34 of the Charter to respond to emerging threats to peace and security, including by helping to create the political space often needed to avert the descent into violence. This requires increased Security Council monitoring of emerging developments of concern and expanded dialogue with the Secretariat on how best to develop and support prevention strategies. The Council has a number of means to do so at its disposal, including raising concerns about the risk of atrocity crimes under "Any other business", holding informal interactive dialogues, organizing Security Council missions to areas at risk, requesting advice from the Peacebuilding Commission,[10] revitalizing regionally-focused formats for briefings and discussions, such as the Ad Hoc Working Group of the Security Council on Conflict Prevention and Resolution in Africa, and regularly requesting briefings from a range of United Nations officials, including the Special Advisers on the Prevention of Genocide and on the Responsibility to Protect. The development of preventive strategies can also be advanced by ensuring that Security Council discussions place a stronger focus on specific policy options. Members of the Security Council can and should be important allies in these efforts by identifying existing or new avenues to discuss situations of concern and coordinate early action. More could be done to recognize the vital role that human rights mechanisms can play in identifying risks and preventing atrocity crimes, and to increase engagement between the Security Council and the Human Rights Council, including its special procedures mandate holders.

39. When the situation has required it, I have informed the Security Council of atrocity crime risks and urged it to take early and decisive action. My hope is that future Secretaries-General will continue to draw on the authority provided to them under the Charter of the United Nations, as well as other mechanisms, including informal monthly luncheons with members of the Security Council, to raise concerns about emerging threats to populations that are not on the Council's formal agenda.

40. Second, we must continue to improve early warning and analysis as a foundation for developing rapid, effective and flexible responses to atrocity crimes risks. Within the United Nations we have learned through painful experience the importance of getting this right. The internal reports on the Organization's role in the genocides in Srebrenica and Rwanda pointed to the insufficient attention paid to

[10] As suggested in recent resolutions of the General Assembly and the Security Council. See General Assembly resolution 70/262 and Security Council resolution 2282 (2016).

early warning and to a general institutional weakness in risk analysis.[11] The Secretariat has subsequently made significant improvements in providing Member States with timely information and potential policy solutions.

41. Yet serious challenges remain. As I have emphasized in my previous reports on the responsibility to protect, preventing the incitement or commission of atrocity crimes is not necessarily the equivalent of preventing armed conflict. That is why it is essential that the Framework of Analysis for Atrocity Crimes developed by the Special Advisers on the Prevention of Genocide and on the Responsibility to Protect be integrated into existing human rights and conflict analysis methodologies used by the United Nations system. Some regional bodies, such as the European Union, and individual Member States, such as the United Republic of Tanzania through its National Committee for the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes Against Humanity and All Forms of Discrimination, have begun to incorporate the Framework into their own analysis. I encourage others to consider doing so.

42. Early warning and analysis is, by its very nature, a collective endeavour. It depends on local information, including from non-governmental organizations; analysis of that information by officials with different kinds and levels of knowledge; an assessment of policy options and the conditions likely to make them successful; and dialogue about preventive strategies with relevant policymakers. Member States have an integral role to play in each step of this process. This includes not only the provision of material and political support to strengthen the early warning capacities and field presences of the United Nations and regional organizations, but also a greater willingness to share sensitive information on risk factors.

43. Third, greater international attention and resources must be dedicated to creating complementary approaches to preventing atrocity crimes and violent extremism. There is common cause between both of these efforts. The environments that are conducive to the rise of violent extremism often mirror those where atrocity crimes are at greatest risk. Both phenomena are more likely in societies where the rule of law and good governance are weak, where economic and political inequalities between identity-based groups are pronounced, where human rights are systematically violated and individuals face institutionalized forms of discrimination and marginalization, and where there is a pervasive culture of impunity.

44. A comprehensive approach to preventing violent extremism and atrocity crimes should prioritize three key elements: countering narratives of grievance or hatred that are used both to justify violence and to recruit and motivate violent extremists and perpetrators of atrocity crimes; addressing the lack of accountability for inciting or committing atrocity crimes; and tackling the transnational flows of ideas, arms and people that enable the perpetration of crimes and violations. As I outlined in my Plan of Action to Prevent Violent Extremism (A/70/674), this strategy requires a shift of focus away from purely military responses to addressing deeper structural challenges, informed by a better assessment of the local contexts in which these phenomena occur. This includes a mapping of vulnerable

[11] Report of the Secretary-General pursuant to General Assembly resolution 53/35: the Fall of Srebrenica (A/54/549, para. 474) and report of the Independent Inquiry into the Actions of the United Nations during the 1994 Genocide in Rwanda (S/1999/1257, annex).

populations, updated on an ongoing basis; analysis of their own self-protection strategies and how they can be bolstered; and an assessment of the factors that foster local resilience, including the role of civil society. Above all, policies to prevent violent extremism and atrocity crimes must be consistent with international humanitarian and human rights law. The international community cannot protect its cherished values when it compromises them in efforts to avert violent extremism. Violating established international norms for short-term tactical gain only sows discord within the coalition of actors seeking to battle against this attack on our common humanity, and provides the perpetrators of atrocity crimes with another tool to bolster their cause.

B. Timely and decisive response

45. Prevention does not always succeed. When it fails, the international community must stand with the victims of atrocity crimes, doing all it can to shield them from harm. That is why the third pillar of the responsibility to protect has always been an integral part of the whole. The opening sentence of paragraph 139 of the 2005 World Summit Outcome categorically states that "The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity". This is an ongoing responsibility to use peaceful means to protect populations. Early and flexible application of these means must be our default first reaction to the commission of atrocity crimes.

46. Together we must take three steps to strengthen the international community's capacity for timely and decisive response. First, we must recognize timely response as a responsibility that falls on each individual member of the international community. Faced with imminent or ongoing atrocity crimes, we must never ask "whether" to respond or expect others to shoulder the burden for us; instead, we must ask "how" we can assist in a collective response. While only the Security Council has the authority to mandate coercive means, deadlock in that body should never be used as an excuse for general inaction. Every Member State must consider what it can contribute, and what relevant regional arrangements can contribute, to the protection of populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

47. Second, we must bolster our investment in the broad range of peaceful tools available to protect populations affected by atrocity crimes. These include, but are by no means limited to: fact-finding, monitoring, reporting and verification; commissions of inquiry; public advocacy; quiet diplomacy; arbitration, conciliation and mediation; community engagement; humanitarian assistance and protection; the protection of refugees and displaced persons; civilian and technical assistance; and consent-based peacekeeping. The High-level Independent Panel on Peace Operations on uniting our strengths for peace: politics, partnership and people (A/70/95-S/2015/446) also highlighted unarmed civilian protection measures as a significant part of this toolkit. Member States regularly declare the importance of many of these tools, but nonetheless fail to match their declarations with adequate financial support. This under-funding both delays their utilization and limits their effectiveness. It is also important that these tools are made fit for the particular task

of protecting populations from atrocity crimes, including by asking how they can address the specific factors that both exacerbate and mitigate such crimes.

48. Third, the international community must act early and decisively. Developing better analytical tools and reporting will only result in better policy if decision makers are prepared to respond to the facts presented. Recent experience teaches that prevarication and delay can compound the seriousness of atrocity crime situations, while conditions facing the affected populations deteriorate and narrow the range of attractive policy options. In order to improve decision-making, Member States must be prepared to listen to a range of views and be relentless in their efforts to forge a common position, especially in crisis situations when there are different interpretations of information about the facts on the ground.

49. The five permanent members of the Security Council have a particular responsibility to demonstrate leadership. One concrete step forward would be for them to agree to exercise restraint in the use of the veto in situations involving atrocity crimes, as proposed by the Accountability, Coherence and Transparency Group — whose initiative is now supported by a clear majority of Member States — and by a joint initiative led by France and Mexico. It is also vital that the Council ensures compliance with the decisions it does take in relation to atrocity crimes. It is simply unacceptable that some States and non-State armed groups continue to violate international human rights and humanitarian law and commit atrocity crimes in defiance of the Security Council. Members of the Council must therefore be better prepared to adopt measures targeting those who refuse to comply with its resolutions, in contravention of Article 25 of the Charter. Failing to act against those who brazenly ignore the Security Council's will undermines the credibility of the United Nations.

50. We have learned over the past decade that international responses to atrocity crimes tend to be most effective when the United Nations and regional and subregional arrangements work closely together. It is through their joint and coordinated action that capacities are maximized and the best results are achieved. We must therefore strengthen the practical ties between the United Nations and its partners, including by sharing information and analysis on current and emerging situations in order to foster common understanding, and by building the habits and relationships needed to ensure that partnerships can be called into action quickly when needed.

51. Member States must also support the crucial role that civil society plays in assisting timely and decisive response. Civil society organizations help to fine-tune early warning frameworks and are often the first to detect worrying developments. They are powerful advocates for the victims of atrocity crimes that hold States — and the United Nations — to account. They also contribute in more direct ways, by offering legal services, counselling victims of atrocity crimes, mediating local disputes and calming tensions, and providing life-saving humanitarian aid. Religious leaders can make a particular contribution to preventing and responding to atrocity crimes, given their influence over large portions of the population and capacity to rapidly mobilize human and financial resources. Private sector actors can also play a constructive part in implementing the responsibility to protect by promoting tolerance and conflict resolution in their organizations and taking steps to protect their own employees and their families.

52. In some cases, individual communities have bravely reached out to their neighbours under threat and offered rescue and sanctuary. Individuals and small groups acting informally have the power to protect, whether by using their influence to prevent attacks, supporting relief efforts, or by sheltering vulnerable groups. The lives saved by Paul Rusesabagina during the Rwandan genocide stand as testament to this power of courageous individuals to make a difference. As the challenges we face grow, we need to encourage and support creative and bold innovations of this kind. The compendium of practice developed by the Office on Genocide Prevention and the Responsibility to Protect in 2015 will be updated regularly to keep track of novel protection solutions.

C. Prevention of recurrence

53. It is disheartening to see that over the course of my tenure as Secretary-General, we continue to grapple with the recurrence of atrocity crimes. Though paragraphs 138 and 139 of the 2005 World Summit Outcome do not explicitly refer to recurrence, the obligation to prevent is a central feature of the responsibility to protect, and prevention and recurrence are closely intertwined. The work of the Peacebuilding Commission and the report of Secretary-General's Advisory Group of Experts on the Review of the Peacebuilding Architecture (A/69/968-S/2015/490) have acknowledged this interrelationship. Far too many of the countries wrestling today with a risk of widespread and systematic violence have experienced it before, including Afghanistan, Burundi, Iraq, Libya, South Sudan and the Sudan.

54. Central to preventing recurrence is the provision of targeted support to national authorities to assist them in upholding their responsibility to protect. In many cases, governance institutions will need to be strengthened or rebuilt and the economy revitalized. But international assistance must also strive to address the root causes of conflict and atrocity crimes and foster practices that support reconciliation and the peaceful resolution of disputes when they emerge. The incorporation of an atrocity prevention perspective into peacebuilding and other recovery efforts is critical to success, as is monitoring for signs of relapse, with the help of local civil society.

55. The potential for the re-emergence of atrocity crimes in the absence of the above-mentioned efforts is all too real. Rapid disengagement risks reversing gains made and can have catastrophic effects for civilian populations. Potential perpetrators can easily exploit both institutional weaknesses and security vacuums if reforms have not yet taken hold, and local communities' grievances and fears if they have been left unaddressed. The current crisis in Iraq demonstrates how readily, in such circumstances, there will be a response to calls to self-arm and seek revenge. Despite the immense challenges, we know that with the appropriate political will and resources we can prevent the recurrence of atrocity crimes. This has been demonstrated in cases such as Côte d'Ivoire, Timor-Leste, Guinea and Kenya, where the concerted actions of domestic, regional and international actors helped to avert the recurrence of widespread and systematic violence. But even in those instances where relapse was prevented, sustained engagement is still needed to address the underlying factors giving rise to the risk of atrocity crimes.

56. Lessons from recent cases reveal the importance of investing in the promotion of reconciliation and transitional justice. The legacy of atrocity crimes often

contributes to the existence of deep distrust between communities as well as towards government institutions that are responsible for providing legal and physical protection. Sometimes the wheels of justice move slowly. As shown by the 2016 convictions of Radovan Karadzic for genocide, war crimes and crimes against humanity in Bosnia, Jean-Pierre Bemba for war crimes and crimes against humanity in the Central African Republic, and Hissène Habré for crimes against humanity and war crimes in Chad, victims of atrocity crimes may have to wait decades to see accountability realized. But even justice served late is justice served. Ensuring accountability for past crimes not only makes future transgressions less likely but it also strikes a general blow against the culture of impunity that future generations of potential perpetrators will be forced to consider as they weigh their options.

D. Renewed institutional capacity

National and regional networks

57. The establishment of national architectures for atrocity prevention and response is the bedrock of successful implementation, since this is where the primary responsibility to protect lies. While the precise configuration of each national system will be, and should be, different — taking into account the local context and institutional configuration — my 2014 report entitled "Fulfilling our collective responsibility: international assistance and the responsibility to protect" (A/68/947-S/2014/449) identified seven principal inhibitors to atrocity crimes that ought to be reinforced: (a) professional and accountable security sector; (b) impartial institutions for overseeing political transitions; (c) independent judicial and human rights institutions; (d) capacity to assess risk and mobilize early response; (e) local capacity to resolve conflicts; (f) media capacity to counteract prejudice and hate speech; and (g) capacity for effective and legitimate transitional justice. I encourage Member States to examine their own national context and consider taking practical steps to strengthen these inhibitors and address any other priorities identified. In addition, they could enhance their ability to assist other States to reinforce these inhibitors, as part of a reformed approach to foreign policy and international cooperation.

58. Global and regional networks have become an integral part of the institutional architecture in encouraging and assisting States to implement the responsibility to protect. The Global Network of Responsibility to Protect Focal Points, the Latin American Network for Genocide and Mass Atrocity Prevention, the Global Action Against Mass Atrocity Crimes (GAAMAC) and the International Conference on the Great Lakes Region all work to facilitate dialogue and concrete action on building national capacity for atrocity prevention, and to share best practices. I welcome the extension of these peer networks and urge all Member States to consider appointing a national focal point to both spearhead their national efforts and deepen their engagement.

59. Regional protection architecture, usually fostered by regional or subregional organizations, is especially well placed to promote practical peer-to-peer cooperation. Although initiatives should reflect the specificities of each region, five principal steps could be taken to strengthen the capacity of regional bodies to work with the United Nations and other actors on atrocity crime prevention and response. First, strengthen relationships between organizations, including through regular

dialogue and enhanced desk-to-desk collaboration between secretariats. Second, improve the two-way flow of information and analysis about atrocity crime risks between the United Nations and regional and subregional organizations. Third, strengthen the coordination of responses to atrocity crime risks to improve effectiveness and avoid situations in which different organizations pull in different directions. Fourth, share guidance and doctrine relating to best practice on prevention and protection, including measures that relate specifically to the protection of civilians in peacekeeping and the prevention of sexual and gender-based violence. Fifth, encourage and support regional and subregional organizations to further develop their own capacities for atrocity crime prevention and response. I strongly urge regional and subregional organizations to continue their own dialogue about the responsibility to protect and the tangible steps they can take to support their Member States in fulfilling their commitments.

The United Nations

60. The United Nations must redouble its own efforts to mainstream the responsibility to protect. Faced with mounting challenges on multiple fronts, business as usual will not be sufficient. Over the past two years, a series of reviews has examined all aspects of our work on peacekeeping, peacebuilding, the implementation of Security Council resolution 1325 (2000), and the protection of civilians.[12] I also evaluated our humanitarian work in advance of this year's World Humanitarian Summit. The principal messages could not have been clearer or more closely related. Each of the reviews emphasized that we must do more to prioritize prevention, including by focusing on the structural drivers of conflict and violence — such as discrimination and weak rule of law — and by strengthening preventive diplomacy tools to resolve disputes. The review processes also underlined the central point that protecting populations from atrocity crimes is a core United Nations obligation. The United Nations Secretariat must be frank about the challenges and practical limitations we confront. It must also be prepared to tell Member States what they need to hear, not what they want to hear.

61. In the follow-up to the above-mentioned reviews, as well as through the Human Rights up Front Initiative and ongoing efforts to mainstream the responsibility to protect, the United Nations is undergoing a series of transformations to make the Organization fit to meet the challenges of protection. This task will require continued commitment from every official in the Organization, including the next Secretary-General, as well as from Member States. In addition to using his/her good offices, the Secretary-General can continue to encourage the Security Council and the Human Rights Council to mandate independent and impartial commissions of inquiry to ascertain the facts when atrocity crimes are committed, or are imminent, and call upon Member States to implement the recommendations brought forward. The Office of the Special

[12] Report of the High-level Independent Panel on Peace Operations on uniting our strengths for peace: politics, partnership and people (A/70/95-S/2015/446); The Challenge of Sustaining Peace: report of the Advisory Group of Experts for the 2015 Review of the United Nations Peacebuilding Architecture, New York, 29 June 2015; Preventing Conflict, Transforming Justice, Securing the Peace: a global study on the implementation of United Nations Security Council resolution 1325, UN-Women, 2015; and Evaluation of the implementation and results of protection of civilians mandates in United Nations peacekeeping operations: report of the Office of Internal Oversight Services (A/68/787).

Advisers on the Prevention of Genocide and on the Responsibility to Protect is currently conducting a review of lessons learned from past instances of prevention. I hope the next Secretary-General will assist both in disseminating the findings of that review within the United Nations and in encouraging Member States to fully support the work of the two Special Advisers.

V. Conclusion

62. It is time for Member States to show greater resolve in defending and upholding the norms that safeguard humanity, on which the responsibility to protect rests. If we do not, the achievements made in the first decade of the responsibility to protect will be eroded. In a time of crisis, we should not retreat but should rather rally around and strengthen what we have built. One tangible step forward would be for Member States to agree to reaffirm and deepen their commitment through a new General Assembly resolution on the responsibility to protect. They should also launch a vigorous and comprehensive global campaign to restore faith in international human rights and humanitarian law by promoting their value, demanding greater compliance, pursuing those that continue to violate the law and holding perpetrators to account. This we owe to vulnerable populations across the globe.

63. But the responsibility to protect also demands more. It calls upon every member of the international community to speak out whenever and wherever atrocity crimes are being committed, or are imminent. As a statement of political commitment, it is designed to galvanize collective action to prevent and respond to atrocity crimes — at the national, regional and international levels — and to raise the political costs of failing to act in the face of genocide, war crimes, ethnic cleansing and crimes against humanity. In order to meet this commitment, it asks Member States to prioritize the protection of vulnerable populations over narrow national interests, to work tirelessly to overcome political divisions and make concrete investments in stronger capacities for prevention and response. In short, the responsibility to protect demands sustained political leadership.

64. During my tenure as Secretary-General, I have consistently called upon Member States to fulfil their responsibilities, highlighted courageous action that has been taken to protect populations, and acknowledged failures to act collectively and decisively. My efforts to lead implementation of the responsibility to protect have always been informed by the conviction that the international community is not and cannot be a powerless bystander to atrocity crimes. Common purpose and coordinated strategies can make all the difference and save countless lives. But collective action will not unfold on the basis of principles alone. The responsibility to protect is a commitment made by all Member States. It is the task of Member States, with support from the broader international community, to make it a living reality.